AIR POUCH
PRIORITY

UNCLASSIFIED
(Security Classification)

DO NOT TYPE IN THIS SPACE
714.00/9-2454
XR 714.2
DEC 1981

FOREIGN SERVICE DESPATCH

DEPARTMENT DESP. NO. 249

FROM : AMEMBASSY, GUATEMALA

TO THE DEPARTMENT OF STATE, WASHINGTON.

DATE September 24, 1954

REF F80001-1576

REVIEWED (57) OCT 1 1954

For Dept. Use Only	ACTION	DEPT.
	ARA-4	OCB/R-2 OIR-6 R-1 L-2
	REC'D 10/4	INFO OTHER CIA-7 USIA-10 NA VV-3

SUBJECT: Guatemala to Elect Constituent Assembly on October 10 under New Electoral Law.

In the two decrees setting elections for a Constituent Assembly on October 10 and promulgating a new Electoral Law for these elections (Embassy Telegram 283), President Carlos Castillo Armas made substantial changes in Guatemala's electoral system designed to achieve a popular ratification of his assumption of the Presidency while avoiding a wide-open electoral campaign which would further divide the anti-Communist forces in this country.

The problem which confronted President Castillo was finding a means to achieve the popular ratification of his anti-Communist government without weakening that government at a critical time by rivalry among the various factions, and his solution was to have a quick election which would be virtually certain to be won by the Administration.

The principal changes incorporated in the new Electoral Law, a translation of which is enclosed, are designed to bring about this result. The Law restores the vote taken away from illiterates by the Government itself by Decree No. 3 in July and again in the Political Statute in August, and the intent of this move is clearly to make it possible for this Administration, as its predecessors did, to vote masses of illiterate farm workers in favor of hand-picked candidates. The possibility that the Administration can do this alone should contribute substantially towards discouraging potential opposition groups from presenting candidates in the election.

Another important provision of the new law in effect abolishes the secret ballot. It stipulates that in order to register his vote, the voter will hand the President of the voting table a list of the candidates for whom he desires to vote and that the President will seal the list and deposit it in the urn. Moreover, if this list is handed out by a political organization participating in the election, it must be printed. Since it is understood that the organizations supporting Castillo will print their lists distinctively, not only the President of the voting table but any bystander will know for whom the vote was deposited. Illiterates, as usual, will be required to confirm their votes orally. In view of the political traditions of

Guatemala and

714.00/9-2454

UNCLASSIFIED

John C. Hill:krh
REPORTER

UNCLASSIFIED
CONFIDENTIAL

DECLASSIFICATION DATE 9/14/79
PER B Grove
OFFICE ARA

ACTION COPY — DEPARTMENT OF STATE NO. 7900252

The action office must return this permanent record copy to DC/R files with an endorsement of action taken.

CONFIDENTIAL
(Classification)
UNCLASSIFIED

F000001-1577

Guatemala and the present political situation, it is probable that few voters will be so bold as to vote publicly against the "official candidate".

A third change brought about by the new law is the abolition of the proportional representation system which assured the minority of representation in the larger constituencies. (It was because of the proportional representation system that anti-Communist deputies from Guatemala City and Quezaltenango won seats in Congress under the Arévalo and Arbenz Administration). Under the new system all of the seats in a Constituency are to be awarded to the ticket receiving a plurality of the votes, thus depriving any opposition of the possibility of picking up minority seats.

In addition to these changes in the Electoral Law, the Castillo Government has sought to strengthen its electoral position by setting the dates of the elections on October 10, only nineteen days after the Decree No. 86 (also enclosed) setting the date was issued. This short campaign period, contrasting with the usual three months, will not give potential opposition time to organize effectively, while the Administration has at its disposal the full facilities of the State to assure its victory. The Partido Unificación Anticomunista (PUA), which supports Castillo, is the only party having anything comparable to a nation-wide organization, while the allied Partido Independiente Anticomunista de Occidente (PIACO) has a regional organization in the Quezaltenango area and the Comité de Estudiantes Universitarios Anticomunistas (CEUA) has a scattered following throughout the country. These three organizations form the core of the proposed Frente Anticomunista Nacional (FAN) which was designed to be an alliance of the forces favoring Castillo (Embassy Despatch 183, September 7, 1954). On the other hand, anti-Communist groups such as the Liberals, the supporters of General Miguel Ydigoras Fuentes, the friends of Juan Cordova Cerna, etc. have no national organizations. They will in all probability not be in a position to put up their own candidates with any hope of success in the short time allotted and will, therefore, be under pressure to cooperate with Castillo in order to get as many of their men as possible nominated as "official" candidates under the auspices of the FAN.

In these circumstances, it is virtually certain that if the elections go according to plan they will result in an overwhelming victory for Castillo. It is, of course, easy to point out that the elections will not be free elections, but they should be viewed in their proper context: the restrictions on a free expression of the popular will are primarily of a security nature and responsible

people here

CONFIDENTIAL

FOIA001-1578

UNCLASSIFIED

people here are generally agreed that Guatemala could not withstand a partisan and divisive electoral campaign after a revolution and four months of unsettled conditions. Moreover, there is no reasonable doubt but that President Castillo, whose popularity as the liberator from Communism is still high, would in any event win the elections and the Electoral Law is not designed so much to assure his election as President as to avoid a complete disintegration of the anti-Communist movement into quarreling, partisan factions.

FOR THE AMBASSADOR

John Calvin Hill, Jr.
Second Secretary

Enc. a/s

UNCLASSIFIED

CONFIDENTIAL

UNCLASSIFIED
EXDIS
(Classification)

DECREE NUMBER 85

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

It is indispensable to emit a law regulating the voting in the national elections which are to take place in order to elect the National Constituent Assembly which will reorganize the institutions of the State as a result of the National Liberation Movement.

WHEREAS:

It is appropriate to adopt a simple and precise system with respect to the electoral function, which without either complicated agencies or procedures will guarantee the effectiveness of the voting as the means of the free expression of the will of the people.

WHEREAS:

The abolition of the vote of the illiterate is an ideological principle firmly sustained by the revolutionary Liberation Movement and this desire was set forth in the Plan of Tegucigalpa, in Decree Number 3 of the Junta of Government, and in the Political Statute; but although it is the firm intention of the Government to install it in the political institutions, it should be deferred at present out of respect to the tradition maintained throughout the country's independent life until the next National Constituent Assembly, as the most genuine and highest representation of the people, can resolve it.

THEREFORE

DECREES THE FOLLOWING:

ELECTORAL LAW.

CHAPTER I

General Provisions

Article 1 - Elections for Deputies to the National Constituent Assembly will be regulated by the provisions of this law.

Article 2 - The National Constituent Assembly will be composed by freely

UNCLASSIFIED
DECLASSIFIED

by freely elected Deputies.

Article 3 - Each electoral district will elect two Deputies, but those whose populations exceeds 100,000 inhabitants will elect one more for each 50,000 additional, or fraction thereof which exceeds 20,000.

Article 4 - The elections will take place on the day which the decree calling them indicates.

Article 5 - Elections for Deputies to the National Constituent Assembly will take place throughout the Republic in one single day uninterruptedly. The voting will begin at 7:00 o'clock and end at 18:00 hours, but if after this last hour there remain persons who have not deposited their vote they can do so until 22:00 hours, making note of this circumstance in the appropriate report.

Article 6 - The vote is a personal attribute which cannot be delegated and it will be delivered publicly.

CHAPTER II

Concerning Deputies and Voters.

Article 7 - In order to be Deputy to the National Constituent Assembly, it is required:

(a) To be a natural-born Guatemalan from among those included in Article 9, Paragraphs (a), (b), and (c) of the Political Statute;

(b) To be a citizen;

(c) To be more than twenty-five years of age;

(d) Not to have claims pending against the State or the Municipalities of the Republic for any reason;

(e) To be of recognized honesty;

(f) To have obtained the necessary clearance if the person has handled public funds;

(g) Not to exercise jurisdiction in the electoral district in which the person is presented.

Article 8 - The following are voters: male Guatemalans over eighteen years of age; and female Guatemalans over eighteen years of age who

F000001-1581

age who know how to read and write.

Article 9 - The qualifications of voters is proven by the identification document. The voting tables will examine this document in order to establish the qualifications to which the previous article refers; the qualification of knowing how to read and write can be proven at the act of voting itself.

Article 10 - Voters will be able to vote only at the place of their residence.

Article 11 - The following are prohibited from voting:

(a) Those who have an order of imprisonment outstanding against them;

(b) Those who are on active duty in the National Army or in the Guardia Civil (police-Tr.) and the Finance Guard.

CHAPTER III

Concerning Electoral Districts.

Article 12 - Each of the Departments of the Republic constitutes an electoral district.

Article 13 - The capital of the Department is the capital of the electoral district.

CHAPTER IV

Concerning the Voting Tables.

Article 14 - In the capital of the district and in the other centers of population of the Republic, there will be as many voting tables as are necessary in the judgment of the respective Departmental Governors.

Article 15 - Each voting table which shall consist of one member of the Municipal Council who will preside over it, and three honorable citizens of the locality as members.

Article 16 - The President and the members of the voting table will be designated by the Municipal Mayor. When municipal councils are lacking, the Mayors will name other persons to preside over the tables.

Article 17 - The questions which arise and which must be solved at the voting tables during the election will be decided by its four members, the President having two votes in the event of a tie.

CHAPTER V

F8 001-1582

CHAPTER V

Concerning Elections.

Article 18 - At 7 o'clock on the day indicated in the Decree calling elections, the voting tables must be drawn up and installed throughout the Republic and will proceed to receive the votes.

Article 19 - Voters must present themselves to the table in the appropriate hours provided with their identification document and with a list of their candidates; if the list is given out by electoral groups taking part, it must be printed.

Article 20 - Once the list has been presented and the qualifications which Article 8 of this law indicates have been established, the President of the table will read it aloud to an illiterate voter asking him if he casts his vote for the persons whose names are designated in it. This requirement having been satisfied, the following information will be noted in the roll of voters:

(a) The complete name of the voter according to his identification document;

(b) The serial and registration number of the said identification document;

(c) The signature of the voter or his thumb print if he does not know now to sign.

Article 21 - The preceding operations having been completed, the voter will hand over the list of his candidates to the President of the table, who will seal it and drop it into the urn.

Article 22 - Voting cannot be interrupted, but if some unforseen event occurs which makes it necessary to interrupt it, this circumstance will be noted in the final record.

Article 23 - At 18:00 hours, or later if the case provided for in Article 5 of this law presents itself, the voting will be closed, the votes will be counted and in the roll itself a detailed report of this election will be recorded after the last vote. In this there will be noted: the place, date and hour of the opening of the voting, the name of those composing the table, the number of votes received in favor of the names of the candidates who receive them, and the votes annulled showing the causes.

CHAPTER VI

Concerning the Examination of Votes.

Article 24 - Within twenty-four hours following the closing of the voting, the

voting, the Municipal Mayors will forward the books and files of papers relating to the election to the Departmental Government with the necessary security safeguards.

Article 25 - Within the three days following the receipt of the books and other electoral papers, and on the basis of these, the Governors will make a general examination of the voting in their districts and will set down the results in a special report. They will forward a copy of this report to the Minister of the Interior together with the books and documents used for the examination.

Article 26 - On the basis of the reports indicated in the previous article, the Minister of the Interior will make the appropriate declaration of the election and forward credentials to the Deputies.

Article 27 - The declaration of the election of Deputies will be made by the system of relative majority in favor of the lists which receive the greatest number of valid votes in each electoral district.

Article 28 - From the moment that their election is declared, the Deputies will enjoy the right of antejuicio, the declaration of which falls on the National Constituent Assembly to make.

CHAPTER VII

Concerning Nullifications and Punishments.

Article 29 - The nullification of votes shall be declared before the voting table itself and resolved by its members at the time of voting, a record being made in the respective report.

Article 30 - A nullification which basically affects the election shall be placed in writing before the Minister of the Interior within five days following the elections. In a reasoned decision the Minister will decide whether or not the nullification requested is in order before making the declaration which Article 26 of this law requires. Against this decision there is no recourse.

Article 31 - Acts undertaken against the tenor of the dispositions of this law shall be void.

Article 32 - Accepting nominations to compose the voting tables is obligatory; persons who without justifable cause do not fulfill the carrying out of these duties shall be punished with a fine of not less than Q5.00 or greater than Q25.00.

Article 33 - The punishment which the preceding article indicates shall be

shall be imposed by the appropriate Justices of the Peace on the petition of the Municipal Mayors.

CHAPTER VIII

Final Dispositions.

Article 34 - During the election day, the groups presenting candidates shall receive free telegraph rights in order to address the Governors and the Minister of the Interior in explaining the complaints which they may have because of the incorrect application of the law.

Article 35 - Doubts which arise concerning the interpretation and application of this law will be resolved by the Minister of the Interior.

Article 36 - In the event that an election is declared null or that the candidate elected does not have the qualifications required by law, a new election in the electoral district in question will proceed to take place.

Article 37 - The Minister of the Interior is supplied the books and papers necessary for the election and is charged to take the measures necessary for the strict fulfillment of the present law.

Article 38 - This law will enter into force on the date of its publication in the official Gazette.

Given in the National Palace on the Twenty-first day of the month of September of Nineteen Hundred and Fifty-Four.

Publish and fulfill.

CARLOS CASTILLO ARMAS

The Minister of Agriculture
Ariel Rivera S.

The Minister of Communications
and Public Works
Martin Prado Velez

The Minister of Public Education
Jorge Del Valle Matheu

The Minister of National Defense
Enrique Close de Leon

The Minister of Economy and Labor
Hector Goicolea Villacorta

The Minister of Foreign Relations
Carlos Salazar Gatica

The Minister

F800001-1585

The Minister of Public Health
and Social Welfare
Carlos Soza Barillas

The Minister of Finance and
Public Credit
Raul Reina Rosal

The Minister of the Interior
Jorge Adan Serrano V.

UNCLASSIFIED
(Classification)

FW0001-1586

DECREE NUMBER 86

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

It is necessary to reorganize the State on the traditional democratic basis of Guatemala and to restore the juridical-political order of the country in order to end the irregular situation created by the cancellation of the Greath Charter and the dissolution of the Congress of the Republic.

WHEREAS:

The Government proposes, as it has stated, to assure the confidence of the people, legitimize the public administration and re-establish normality in all segments of the national life, the basis of the objectives being the establishment of a fundamental order in the new situation which confronts Guatemala after the National Liberation Movement.

WHEREAS:

These proposals make it necessary to install within a brief time a National Constituent Assembly which will express categorically the will of the sovereign people, and that, the Electoral Law having been promulgated, the appropriate convocation is in order;

THEREFORE,

DECREES

Article 1 - The peoples of Guatemala are called to general elections for Deputies who are to compose the National Constituent Assembly.

Article 2 - The Election will take place on October 10 of this year and the provisions of Decree 85 dated September 21 will be observed in it.

Article 3 - For the purposes of the electoral campaign, the formation and functioning of civic groups is fully authorized.

Article 4 - The Electoral Districts will have the number of Deputies which are set forth below:

First Electoral District,	Guatemala	-	9 Deputies
Second "	" Sacatepéquez	-	2 "
Third "	" Quezaltenango	-	4 "

Fourth Electoral

Fourth Electoral District,	San Marcos	- 5	Deputies
Fifth "	Totonicapán	- 2	"
Sixth "	Sololá	- 2	"
Seventh "	Chimaltenango	- 3	"
Eighth "	Suchitepéquez	- 3	"
Ninth "	Chiquimula	- 2	"
Tenth "	Jutiapa	- 3	"
Eleventh "	Santa Rosa	- 2	"
Twelfth "	Jalapa	- 2	"
Thirteenth "	Retalhuleu	- 2	"
Fourteenth "	Escuintla	- 3	"
Fifteenth "	Huehuetenango	- 4	"
Sixteenth "	Zacapa	- 2	"
Seventeenth"	El Progreso	- 2	"
Eighteenth "	Alta Verapaz	- 4	"
Ninteenth "	Baja Verapaz	- 2	"
Twentieth "	Quiché	- 4	"
Twenty-First "	Petén	- 2	"
Twenty-Second "	Izabal	- 2	"
Total		- 66	Deputies

Article 6 - The Minister of the Interior is charged with carrying out the present decree and all authorities of the Republic must give him their due cooperation.

Article 7 - This Decree shall enter into force on the day of its publication in the official Gazette.

Given in the National Palace in the City of Guatemala on the Twenty-First day of the month of September of Nineteen Hundred and Fifty-Four.

Publish and fulfill.

CARLOS CASTILLO ARMAS

The Minister of Agriculture
Ariel Rivera S.

The Minister of Communications
and Public Works
Martin Prado Velez

The Minister of Public Education
Jorge Del Valle Matheu

The Minister of National Defense
Enri ue Close de Leon

The Minister of Economy and Labor
Hector Goicolea Villacorta

The Minister

UNCLASSIFIED
(Classification)

F6 0001-1588

The Minister of Foreign Relations
Carlos Salazar Gatica

The Minister of Public Health
and Social Welfare
Carlos Soza Barillas

The Minister of Finance and
Public Credit
Raul Reina Rosal

The Minister of the Interior
Jorge Adan Serrano V.

UNCLASSIFIED

F0001-1589

EL GUATEMALTECO

DIARIO OFICIAL DE LA REPUBLICA DE GUATEMALA. — CENTRO-AMERICA

SEGUNDA EPOCA

Registrado como correspondencia de segunda clase en la Administracion Central de Correos de Guatemala, el dia 6 de marzo de 1930, bajo el numero 749

Impreso en la Tipografia Nacional 7ª Av. y calle 18 de Septiembre

TOMO CXLII — GUATEMALA, MARTES 21 DE SEPTIEMBRE DE 1954 — NUMERO 46

SUMARIO

ORGANISMO EJECUTIVO

MINISTERIO DE GOBERNACION

Decreto numero 85.
Decreto numero 86.

PUBLICACIONES VARIAS

Memoria del Banco de Guatemala.—Año 1953.—(Continua.)

ANUNCIOS VARIOS

Autorizaciones farmaceuticas.—Constitución de sociedades.—Disolución de sociedad.—Licitación.—Registro de marcas.—Titulos supletorios.—Edictos.—Remates.
Departamento Comercial.—Balance General del Banco de Occidente, al 31 de agosto de 1954.
Crédito Hipotecario Nacional.—Balance General del Departamento Comercial, al 31 de agosto de 1954.
Crédito Hipotecario Nacional.—Balance General del Departamento Hipotecario, al 31 de agosto de 1954.

ORGANISMO EJECUTIVO

MINISTERIO DE GOBERNACION

DECRETO NUMERO 85

EL PRESIDENTE DE LA REPUBLICA,

CONSIDERANDO:

Que es indispensable dictar una ley reguladora del sufragio en los próximos comicios que han de celebrarse para elegir la Asamblea Nacional Constituyente, que reorganizará las instituciones del Estado, como consecuencia del movimiento de liberación nacional;

CONSIDERANDO:

Que es conveniente adoptar un sistema simple y preciso en cuanto a la función electoral, que sin organismos ni procedimientos complicados, garantice la efectividad del sufragio como medio de libre expresión de la voluntad del pueblo;

CONSIDERANDO:

Que la abolición del voto del analfabeto es principio ideológico firmemente sustentado por el movimiento revolucionario de liberación y ese anhelo se consignó en el Plan de Tegucigalpa, en el Decreto número 3 de la Junta de Gobierno y en el Estatuto Político; pero aun cuando es un firme propósito del Gobierno propugnar su instauración en las instituciones políticas, debe diferirse en el momento actual para respetar la tradición mantenida a través de la vida independiente, hasta que la próxima Asamblea Nacional Constituyente, como la más genuina y alta representación del pueblo, resuelva en definitiva;

POR TANTO,

DECRETA:

La siguiente

LEY ELECTORAL

CAPITULO I

Disposiciones generales

Artículo 1º—Las elecciones para diputados a la Asamblea Nacional Constituyente se regirán por las disposiciones de esta ley.

Artículo 2º—La Asamblea Nacional Constituyente se integrará por diputados libremente electos.

Artículo 3º—Cada distrito electoral elegirá dos diputados, pero aquellos cuya población exceda de 100,000 habitantes elegirán uno más por cada 50,000 adicionales o fracción que pase de 20,000.

Artículo 4º—Los comicios tendrán lugar el día que señale el Decreto de convocatoria.

Artículo 5º—Las elecciones para diputados a la Asamblea Nacional Constituyente se practicarán en toda la República en un solo día ininterrumpidamente. La votación se iniciará a las 7 horas y terminará a las 18 horas; pero si después de esta última hora aún quedaren personas que no hubiesen depositado su voto, podrán hacerlo hasta las 22 horas, haciéndose constar esta circunstancia en el acta respectiva.

Artículo 6º—El voto es función personal no delegable y se emitirá públicamente.

CAPITULO II

De los diputados y de los electores

Artículo 7º—Para ser diputado a la Asamblea Nacional Constituyente, se requiere:

a) Ser guatemalteco natural de los comprendidos en el artículo 9º, incisos *a), b)* y *c)* del Estatuto Político;
b) Tener la calidad de ciudadano;
c) Ser mayor de 25 años de edad;
d) No tener reclamaciones pendientes contra el Estado o las Municipalidades de la República, por ningún concepto;
e) Ser de reconocida honradez;
f) Haber obtenido el finiquito correspondiente si hubiere manejado fondos públicos;
g) No ejercer jurisdicción en el distrito electoral donde se le postula.

Artículo 8º—Son electores: Los guatemaltecos varones mayores de 18 años; y las mujeres guatemaltecas mayores de 18 años de edad que sepan leer y escribir.

Artículo 9º—La calidad de elector se comprueba con la cédula de vecindad. Las mesas receptoras de votos examinarán dicho documento, a fin de establecer las calidades a que se refiere el artículo anterior; la condición de saber leer y escribir podrá acreditarse en el mismo acto de la votación.

Artículo 10.—Los electores solamente podrán votar en el lugar de su vecindario.

Artículo 11.—Se prohibe votar:

a) A quienes tengan auto de prisión vigente;
b) A quienes estén de alta en el Ejército Nacional o en las Guardias Civiles y de Hacienda.

CAPITULO III

De los distritos electorales

Artículo 12.—Cada uno de los departamentos de la República constituye distrito electoral.

Artículo 13.—La cabecera departamental es la del distrito electoral.

CAPITULO IV

De las mesas receptoras de votos

Artículo 14.—En las cabeceras de distrito y en las demás poblaciones de la República, habrá tantas mesas receptoras de votos, cuantas sean necesarias a juicio del gobernador departamental respectivo.

Artículo 15.—Cada mesa receptora de votos estará integrada por un miembro del Consejo Municipal, quien la presidirá, y tres vecinos honorables del lugar en carácter de vocales.

Artículo 16.—El Presidente y los Vocales de las mesas receptoras de votos serán designados por el alcalde municipal. A falta de concejales los alcaldes nombrarán otras personas para presidir las mesas.

Artículo 17.—Las cuestiones que se susciten y deban resolverse en las mesas receptoras durante la elección, serán decididas por sus cuatro miembros, teniendo doble voto el Presidente, en caso de empate.

CAPITULO V

De las elecciones

Artículo 18.—El día señalado en el Decreto de convocatoria, a las 7 horas, deberán estar integradas e instaladas las mesas receptoras en toda la República, y procederán a la recepción de los votos.

Artículo 19.—Los electores deben presentarse a las mesas, en las horas hábiles, provistos de su correspondiente cédula de vecindad y con una nómina de sus candidatos; si la nómina es proporcionada por agrupaciones electorales postulantes, deberá ser impresa.

Artículo 20.—Una vez presentada la nómina y comprobadas las calidades que indica el artículo 8º de esta ley, el Presidente de la mesa la leerá en voz alta al elector analfabeto, preguntándole si da su voto por las personas cuyos nombres se consignan en ella. Satisfecho ese requisito se anotará en el libro de votantes las siguientes circunstancias:

a) Nombre completo del votante conforme a su cédula de vecindad;
b) Número de orden y de registro de dicha cédula;
c) Firma del votante o impresión digital si no sabe firmar.

Artículo 21.—Hechas las operaciones anteriores el votante entregará la nómina de sus candidatos al Presidente de la mesa, quien la sellará y depositará en la urna.

F 0001-1590

Artículo 22.—La votación no podrá interrumpirse, pero si ocurriese algún acontecimiento imprevisto que obligare a interrumpirla, se hará constar esta circunstancia en el acta final.

Artículo 23.—A las 18 horas o después, si se presentare el caso previsto en el artículo 5º de esta ley, se cerrará la votación, se hará el recuento de votos, y en el propio libro se levantará a continuación del último voto el acta detallada de la elección. En ella se hará constar: el lugar, día y hora de la apertura de la votación, los nombres de los integrantes de la mesa, el número de votos recibidos con expresión del nombre de los candidatos que los obtuvieron, y los votos anulados, indicando las causas.

CAPITULO VI

Del escrutinio

Artículo 24.—Los alcaldes municipales, dentro de las 24 horas siguientes al cierre de la votación remitirán, con las seguridades debidas, los libros y legajos de papeles relativos a la elección al gobernador departamental.

Artículo 25.—Los gobernadores, dentro de los 3 días siguientes a la recepción de los libros y demás papeles electorales, y con base en los mismos, efectuarán el escrutinio general en su distrito y consignarán el resultado en acta especial. De dicha acta remitirán copia al Ministro de Gobernación, juntamente con los libros y la documentación que sirvió para el escrutinio.

Artículo 26.—El Ministro de Gobernación, con base en los comprobantes indicados en el artículo anterior, hará la declaración de elección que corresponda y expedirá las credenciales a los diputados.

Artículo 27.—La declaratoria de elección de diputados se hará por el sistema de mayoría relativa, a favor de la nómina que obtenga el mayor número de votos válidas en cada distrito electoral.

Artículo 28.—Los diputados, desde el momento en que se declare su elección gozan de antejuicio, cuya declaratoria corresponde hacer a la Asamblea Nacional Constituyente.

CAPITULO VII

De las nulidades y sanciones

Artículo 29.—Las nulidades que se refieren a votos serán alegadas ante la propia mesa receptora y resueltas por sus miembros en el momento de la votación, dejando constancia en el acta respectiva.

Artículo 30.—Las nulidades que afecten el fondo de la elección se interpondrán por escrito ante el Ministro de Gobernación dentro de los cinco días siguientes al de los comicios. El Ministro, en resolución razonada decidirá si procede o no la nulidad pedida, antes de hacer la declaratoria a que se contrae el artículo 26 de esta ley. Contra este fallo no cabe ningún recurso.

Artículo 31.—Los actos ejecutados contra el tenor de las disposiciones de esta ley serán nulos.

Artículo 32.—La aceptación de los nombramientos para integrar las mesas receptoras de votos es obligatoria; las personas que sin causa justificada no cumplieren con desempeñar tales cargos, serán penadas con multa que no baje de Q5.00 ni exceda de Q25.00.

Artículo 33.—Las sanciones que indican los artículos que anteceden serán impuestas por los Jueces de Paz competentes, a petición de los alcaldes municipales.

CAPITULO VIII

Disposiciones finales

Artículo 34.—Durante el día de elecciones las agrupaciones postulantes gozan de franquicia telegráfica para dirigirse a los gobernadores y al Ministro de Gobernación, exponiendo las quejas que tuvieren por la incorrecta aplicación de esta ley.

Artículo 35.—Las dudas que se presentaren en cuanto a la interpretación y aplicación de esta ley, serán resueltas por el Ministro de Gobernación.

Artículo 36.—En caso de declararse nula una elección o de que el candidato electo no tuviere las calidades requeridas por la ley, se procederá a nueva elección en el distrito electoral correspondiente.

Artículo 37.—El Ministerio de Gobernación suministrará los libros y papelería necesarios para la elección, y queda encargado de dictar las medidas conducentes para el estricto cumplimiento de la presente ley.

Artículo 38.—Este Decreto entrará en vigor el día de su publicación en el Diario oficial.

Dado en el Palacio nacional: en la ciudad de Guatemala, a veintiún días del mes de septiembre de mil novecientos cincuenta y cuatro.

Publíquese y cúmplase.

CARLOS CASTILLO ARMAS.

El Ministro de Agricultura,
ARIEL RIVERA S.

El Ministro de Comunicaciones y Obras Públicas,
MARTIN PRADO VELEZ.

El Ministro de Educación Pública,
JORGE DEL VALLE MATHEU.

El Ministro de la Defensa Nacional,
ENRIQUE CLOSE DE LEON.

El Ministro de Economía y Trabajo,
HECTOR GOICOLEA VILLACORTA.

El Ministro de Relaciones Exteriores,
CARLOS SALAZAR GATICA.

El Ministro de Salud Pública y Asistencia Social,
CARLOS SOZA BARILLAS.

El Ministro de Hacienda y Crédito Público,
RAUL REINA ROSAL.

El Ministro de Gobernación,
JORGE ADAN SERRANO V.

DECRETO NUMERO 86

EL PRESIDENTE DE LA REPUBLICA,

CONSIDERANDO:

Que es necesario reorganizar el Estado sobre las bases democráticas tradicionales de Guatemala y restaurar el ordenamiento jurídico-político del país, para poner fin a la situación irregular creada por la derogatoria de la Carta Magna y la disolución del Congreso de la República;

CONSIDERANDO:

Que el Gobierno se propone, como ha declarado, asegurar la confianza del pueblo, legitimar el poder público y restablecer la normalidad en todos los órdenes de la vida nacional, siendo la base de estos objetivos la estructuración de las normas fundamentales en la nueva etapa que confronta Guatemala, después del movimiento de Liberación Nacional;

CONSIDERANDO:

Que tales propósitos obligan a instalar dentro de corto plazo una Asamblea Nacional Constituyente que exprese de manera categórica la voluntad del pueblo soberano, y que estando promulgada la Ley Electoral procede la convocatoria correspondiente;

POR TANTO,

DECRETA:

Artículo 1º—Se convoca a los pueblos de la República a elecciones generales para Diputados que deberán integrar la Asamblea Nacional Constituyente.

Artículo 2º—La elección se llevará a cabo el día 10 de octubre del año en curso y en ella se observarán los preceptos del Decreto número 85 de fecha veintiuno de septiembre.

Artículo 3º—Para los efectos de la campaña electoral se autoriza plenamente la formación y funcionamiento de agrupaciones cívicas.

Artículo 4º—Los Distritos electorales tendrán el número de Diputados que se consignan a continuación:

Primer distrito electoral, Guatemala	9 Diputados
Segundo distrito electoral, Sacatepéquez	2 Diputados
Tercer distrito electoral, Quezaltenango	4 Diputados
Cuarto distrito electoral, San Marcos	5 Diputados
Quinto distrito electoral, Totonicapán	2 Diputados
Sexto distrito electoral, Sololá	2 Diputados
Séptimo distrito electoral, Chimaltenango	3 Diputados
Octavo distrito electoral, Suchitepéquez	3 Diputados
Noveno distrito electoral, Chiquimula	2 Diputados
Décimo distrito electoral, Jutiapa	3 Diputados
Undécimo distrito electoral, Santa Rosa	3 Diputados
Duodécimo distrito electoral, Jalapa	2 Diputados
Décimotercero distrito electoral, Retalhuleu	2 Diputados
Décimocuarto distrito electoral, Escuintla	3 Diputados
Décimoquinto distrito electoral, Huehuetenango	4 Diputados
Décimosexto distrito electoral, Zacapa	2 Diputados
Décimoséptimo distrito electoral, El Progreso	2 Diputados
Décimoctavo distrito electoral, Alta Verapaz	4 Diputados
Décimonoveno distrito electoral, Baja Verapaz	2 Diputados
Vigésimo distrito electoral, Quiché	4 Diputados
Vigésimoprimer distrito electoral, Petén	2 Diputados
Vigésimosegundo distrito electoral, Izabal	2 Diputados
Total	66 Diputados

Artículo 5º—El Ministerio de Gobernación queda encargado de dar cumplimiento al presente Decreto y todas las autoridades de la República deberán prestarle su debida cooperación.

Artículo 7º—Este Decreto entrará en vigor el día de su publicación en el Diario oficial.

Dado en el Palacio nacional: en la ciudad de Guatemala, a los veintiún días del mes de septiembre de mil novecientos cincuenta y cuatro.

Publíquese y cúmplase.

CARLOS CASTILLO ARMAS.

El Ministro de Agricultura,
ARIEL RIVERA S.

El Ministro de Comunicaciones y Obras Públicas,
MARTIN PRADO VELEZ.

El Ministro de Educación Pública,
JORGE DEL VALLE MATHEU.

El Ministro de la Defensa Nacional,
ENRIQUE CLOSE DE LEON.

El Ministro de Economía y Trabajo,
HECTOR GOICOLEA VILLACORTA.

El Ministro de Relaciones Exteriores,
CARLOS SALAZAR GATICA.

El Ministro de Salud Pública y Asistencia Social,
CARLOS SOZA BARILLAS.

El Ministro de Hacienda y Crédito Público,
RAUL REINA ROSAL.

El Ministro de Gobernación,
JORGE ADAN SERRANO V.